IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

UNIVERSITAS EDUCATION, LLC,)	
Petitioner/Judgment Creditor)	
vs.)	
AVON CAPITAL, LLC,)	
Respondent/Judgment Debtor,)	
ASSET SERVICING GROUP, LLC,)	
Respondent, Garnishee,)	Case No. 14-FJ-05-HE
SDM HOLDINGS, LLC,)	
Respondent/Garnishee,)	
and)	
AVON CAPITAL, LLC, a Wyoming Limit Liability Company,) ed))	
Intervenor.)	

DECLARATION OF BENJAMIN CHERNOW IN SUPPORT OF UNIVERSITAS EDUCATION, LLC'S MOTION FOR POST-JUDGEMENT DISCOVERY PURSUANT TO COURT ORDER DATED APRIL 11, 2019

BENJAMIN CHERNOW, being duly sworn, does hereby state as follows:

1. I am an associate in the Law Offices of Joseph L. Manson III, the Petitioner and judgment creditor herein. I make this declaration to put before the Court certain documents, which are referred to in Universitas Education, LLC's Motion for Post-Judgment Discovery Pursuant to Court Order Dated April 11, 2019 and Brief in Support.

- 2. Attached as Exhibit 1 is a true and accurate copy of memo sent by Daniel Carpenter to various associates of his on March 12, 2007.
- 3. Attached as Exhibit 2 is a true and accurate copy of a Stipulation in the United States District Court of Connecticut with regard to In Re: Grand Jury Investigation, Misc. No. 3:12CV882(JCH), Dkt. 77-5, in the instant action.
- 4. Attached as Exhibit 3 is a true and accurate copy of the declaration of Wayne Bursey in the District Court of Connecticut with regard to *Pettibone Tavern LLC*, *et al. v. Internal Revenue Service*, Case. No. 3:10-mc-000064-AVC (Dkt. 1-7).
- 5. Attached as Exhibit 4 is a true and accurate copy of excerpted pages of the deposition transcript of Daniel E. Carpenter, taken April 13, 2016 in *The Penn Mutual Life Insurance Company v. Kehoe, et al.*, Case. No. 15-CV-01111(AJN) (S.D.N.Y.), Dkt. 77-3 in the instant action.
- 6. Attached as Exhibit 5 is a true and accurate copy of the Articles of Organization for Avon Capital, LLC, as filed with the Wyoming Secretary of State.
- 7. Attached as Exhibit 6 is a true and accurate copy of the 2008 Annual Report for Avon Capital, LLC, as filed with the Wyoming Secretary of State.
- 8. Attached as Exhibit 7 is a true and accurate copy of the Wyoming Secretary of State records for Avon Capital, LLC, Dkt. 57-6, in the instant action.
- 9. Attached as Exhibit 8 is a true and accurate copy of the Application for Certificate of Reinstatement for Avon Capital, LLC, as filed with the Wyoming Secretary of State.

- 10. Attached as Exhibit 9 is a true and accurate excerpted of the deposition transcript Donald Trudeau, taken February 6, 2013 in *Universitas Education, LLC, v. Nova Group, Inc.*, Case. Nos. 11 Civ. 1590 and 11 Civ. 8726 (S.D.N.Y.).
- 11. Attached as Exhibit 10 is a true and accurate copy of the 2011 Annual Report for Avon Capital, LLC, as filed with the Wyoming Secretary of State.
- 12. Attached as Exhibit 11 is a true and accurate copy of the Articles of Organization for Avon Capital, LLC, as filed with the Nevada Secretary of State, Dkt. 133-8 in the instant action.
- 13. Attached as Exhibit 12 is a true and accurate copy of the Articles of Organization for Grist Mill Capital, LLC, as filed with the Connecticut Secretary of State.
- 14. Attached as Exhibit 13 is a true and accurate copy of Avon Capital, LLC's Banking Resolution with TD-Bank, Dkt. 57-1 in the instant matter.
- 15. Attached as Exhibit 14 is true and accurate copy of various banking records and receipts showing closure of the TD-Bank account ending in 4689, and the transfer of the money from that account to a People's United Bank account ending in 3286. Certain portions of these documents have been redacted to conceal sensitive personal information.
- 16. Attached as Exhibit 15 is a true and accurate copy of an account summary the People's United Bank account ending in 3286. Certain portions of these documents have been redacted to conceal sensitive personal information.
- 17. Attached as Exhibit 16 is a true and accurate copy of the Articles of Organization for Avon Capital, LLC as filed with the Connecticut Secretary of State.

- 18. Attached as Exhibit 17 is a true and accurate copy of the Connecticut Secretary of State records for Avon Capital, LLC, Dkt. 57-2 in the instant action.
- 19. Attached as Exhibit 18 is a true and accurate copy of the affidavit of H. Thomas Moran submitted in *Moran v. Avon Capital, LLC, a Wyoming Limited Liability Corporation*, Case No. 10-cv-00393-HE (W.D. Okla.) (Dkt. 32-1).
- 20. Attached as Exhibit 19 is a true and accurate copy of the Membership Purchase Agreement between SDM Holdings, LLC and Avon Capital, LLC, a Wyoming limited liability company, filed in *Moran v. Avon Capital, LLC, a Wyoming Limited Liability Corporation*, Case No. 10-cv-00393-HE (W.D. Okla.) (Dkt. 32-2).
- 21. Attached as Exhibit 20 is a true and accurate copy of the Assignment of Membership interest between H. Thomas Moran, Jane Moran, and Avon Capital, LLC, a Wyoming limited liability company, Dkt. 57-4 in the instant action.
- 22. Attached as Exhibit 21 is a true and accurate copy of various TD Bank statements, spanning from December 1, 2009 to January 31, 2010, Dkt. 77-2 in the instant action. Certain portions of these documents have been redacted to conceal sensitive personal information.
- 23. Attached as Exhibit 22 is a true and accurate copy of an email sent on behalf of SDM to Donald Trudeau and Andrew Terrell on March 30, 2010, filed in *Moran v. Avon Capital, LLC, a Wyoming Limited Liability Corporation*, Case No. 10-cv-00393-HE (W.D. Okla.) (Dkt. 32-5). Certain portions of these documents have been redacted to conceal sensitive personal information.

- 24. Attached as Exhibit 23 is a true and accurate copy of a letter sent by H. Thomas Moran and Jane Moran to Donald Trudeau on April 9, 2010, filed in *Moran v. Avon Capital, LLC, a Wyoming Limited Liability Corporation*, Case No. 10-cv-00393-HE (W.D. Okla.) (Dkt. 32-12).
- 25. Attached as Exhibit 24 is a true and accurate copy of various People's United Bank records, spanning from November 30, 2010 to July 8, 2011, depicting wire transfers from Avon Capital, LLC to H. Thomas Moran. Certain portions of these documents have been redacted to conceal sensitive personal information.
- 26. Attached as Exhibit 25 is a true and accurate copy of a monthly invoice from Asset Servicing Group, LLC for servicing the policies acquired from SDM Holdings, LLC.
- 27. Attached as Exhibit 26 is a true and accurate copy of various monthly invoices from Asset Servicing Group, LLC, as well as various bank records from TD Bank and People's United Bank. Certain portions of these documents have been redacted to conceal sensitive personal information.
- 28. Attached as Exhibit 27 is a true and accurate excerpt of the deposition transcript of Daniel E. Carpenter, taken April 13, 2016 in *The Penn Mutual Life Insurance Company v. Kehoe, et al.*, Case. No. 15-CV-01111(AJN) (S.D.N.Y.).
- 29. Attached as Exhibit 28 is a true and accurate copy of an Order issued in the Southern District of New York on November 2, 2017, in *Universitas Education, LLC, v. Nova Group, Inc.*, Case. Nos. 11 Civ. 1590 and 11 Civ. 8726 (S.D.N.Y.).

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30. Attached as Exhibit 29 is a true and accurate copy of excerpted pages of the

deposition transcript Donald Trudeau, taken February 6, 2013 in Universitas Education,

LLC, v. Nova Group, Inc., Case. Nos. 11 Civ. 1590 and 11 Civ. 8726 (S.D.N.Y.).

31. Attached as Exhibit 30 is a true and accurate copy of the Annual Franchise Tax

Report from 2009 for Benistar Admin. Services, Inc.

32. Attached as Exhibit 31 is a true and accurate excerpt of a memorandum filed in the

District of Connecticut on January 1, 2016 in *United States of America v. Daniel Carpenter*,

Crim. No. 3:13CR226 (RNC) (Dkt. 161).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true

and correct.

Dated: Alexandria, Virginia April 25, 2019

/s/ Benjamin Chernow

Benjamin Chernow

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